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**To:** Examiner Casey Hagopian

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**Date:** 01/30/2006

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PLEASE SEE ATTACHED RESPONSE TO OFFICE ACTION

Serial No. 10/632,413  
Casey Hagopian  
Group Art Unit 1615

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Richard et al.

Serial No.: 10/632,413

Filed: 07/31/03

TITLE: IMPLANTABLE OR INSERTABLE MEDICAL DEVICES  
CONTAINING GRAFT COPOLYMER FOR CONTROLLED  
DELIVERY OF THERAPEUTIC AGENTS

Art Unit: 1615

Examiner: Hagopian, Casey

Docket No.: 02-264

VIA FACSIMILE 571-273-8300  
Mail Stop Non Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION**

Sir:

This is responsive to the Office Action mailed December 28, 2005 in the above matter.

In accordance with that Office Action, Applicants are requested under 35 U.S.C. 121 to elect a species from each of Group A (main chain) and Group B (polymeric release region) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Claim 1 is currently generic. The species listed in the Office Action are as follows:

**Group A: Main chain**

Species i: rubbery phase (claims 3-6);

Species ii: hard phase (claims 7-10).

**Group B: Polymeric release region**

Species i: carrier region (claim 14);

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Species ii: barrier region (claim 15);  
Species iii: coating layer (claim 16).

Applicants hereby elect Species i (claims 3-6) from Group A and Species i, (claim 14) from Group B and their accompanying description for further prosecution on the merits. Claims 3-6 are readable upon Group A, species i and claim 14 is readable upon Group B, species i. Upon the allowance of generic claim 1, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim as provided by 37 C.F.R. 1.141.

Should the Examiner be of the view that an interview would expedite consideration of the application, request is made that the Examiner telephone the Applicants' attorney at (908) 518-7700, ext. 7 so that any outstanding issues can be resolved.

The Office is authorized to charge any fees required, to deposit account number 50-1047.

Respectfully submitted,



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Registration No. 42,059

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**Certificate of Facsimile Transmission**

I hereby certify that this document and any document referenced herein is being sent to the United States Patent and Trademark office via Facsimile to: 571-272-8300 on 1/30/06.

Marjorie Scariati  
(Printed Name of Person Mailing Correspondence)

Marjorie Scariati  
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